

Honorable John Michael Vazquez, U.S.D.J.

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

ANTHONY FRANKLIN and  
TAHREF FOLKES, on behalf of  
themselves,

Plaintiffs,

-v-

MIDDLESEX WATER  
COMPANY; in their individual  
capacity; ROBERT CHETIRKIN in  
his individual capacity as the (then)  
Administrator of East Jersey State  
Prison; CINDY SWEENEY in her  
individual capacity as the (then)  
Associate Administrator of East  
Jersey State Prison; JAMES RUSSO  
in his individual capacity as the  
Superintendent of East Jersey State  
Prison, JOHN DOES and JANES  
DOES #1-10

Defendants,

Civil Action

AMENDED COMPLAINT  
(JURY TRIAL DEMANDED)

DECLARTORY JUDGMENT

INJUNCTION RELIEF

Case No.: 2:22-cv-01718-JMV-AME

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DISTRICT OF NEW JERSEY  
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**JURISDICTION AND VENUE**

1. This is a civil action authorized by 42 U.S.C. §1983 to redress the deprivation under color of state law, of rights secured by the Constitution of the United States. The Court has jurisdiction under 28 U.S.C. §1331 and §1333(a)(3). Plaintiffs seeks declaratory relief pursuant to 28 U.S.C. §2201

and §2202. Plaintiff's claims for injunction relief are authorized by 28 U.S.C §2283 and §2284 and Rule 65 of the Federal Rules of Civil Procedure.

2. The District Court of New Jersey is an appropriate venue under 28 U.S.C. §1391(b)(2) because it is where the events giving rise to this claim occurred.

### **PLAINTIFFS**

3. Plaintiff ANTHONY FRANKLIN is a citizen of the United States and a resident of the State of New Jersey. He is currently confined at East Jersey State Prison, Located in the City of Rahway, County of Middlesex, State of New Jersey.
4. Plaintiff TAHREF FOLKES is a citizen of the United States and a resident of the State of New Jersey. He is currently confined at South Woods State Prison, Located in the City of Bridgeton, County of Burlington, State of New Jersey.

At all times mentioned in this Complaint he was an inmate at East Jersey State Prison, Located in the City of Rahway, County of Middlesex, State of New Jersey.

### **DEFENDANTS**

5. Defendant MIDDLESEX WATER COMPANY is a corporation organized and existing under the laws of New Jersey, with offices and a principal place

intervene, failed to prevent, condoned, permitted, supervised, failed to report, covered-up, or otherwise facilitated the deprivation of Plaintiff's civil rights under color of state law as stated herein.

10. All defendants acted under color of law at the times specified in this complaint.

#### **STATEMENT OF FACTS**

11. Perfluorooctanoic Acid or PFOA is a known human carcinogen that never breaks down in water, soil, or the human body. Thus, once released into the environment, PFOA is persistent in the environment. PFOA is also bioretentive and bioaccumulative, meaning it accumulates within the human body and has an extremely long half-life of at least two to four years.
12. Scientific studies have shown PFOA exposure causes at least six diseases: ulcerative colitis; pregnancy-induced hypertension; high cholesterol; thyroid disease; testicular cancer; and kidney cancer. Several published peer-reviewed journals, prove that the chemicals affects the entire body, even at low exposure levels. The research has concluded that PFOA poses a health threat even at very low level.
13. Defendants MIDDLESEX WATER COMPANY is a water company that supplies water to New Jersey residents and citizens throughout Middlesex County where the Plaintiffs are located.

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14. On or about November 8, 2021, Defendant MIDDLESEX WATER COMPANY distributed a mass-produced, uniformly worded form Notice to its customers residing in several townships where MIDDLESEX WATER COMPANY provides domestic water service, with the Notice being titled: **“IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER”** and sub-titled: “Middlesex Water Company has Levels of Perfluorooctanoic Acid (PFOA) Above Drinking Water Standards.” See Attachment A, Middlesex Water Company Notice dated November 8, 2021.

15. The Notice stated that:

“Our water system recently violated a New Jersey drinking water standard, and as our customers, you have a right to know what happened, what you should do, and what we are doing to correct this situation.” (Emphasis added)

16. Defendant’s Middlesex Water Company’s Notice went on to admit that the water distributed by Defendants had violated a New Jersey standard relating to the allowable amount of a chemical human carcinogen called Perfluorooctanoic Acid (“PFOA”) in drinking water, and indeed, that Defendant’s water in August and September 2021 contained more than double the amount of PFOA allowed under that standard. See Attachment A, which admit:

“New Jersey adopted a standard, or maximum contaminant level (MCL), for PFOA in 2020 and monitoring began in 2021. The MCL for PFOA is 14 parts per trillion (ppt) and is based on a running

annual average (RAA), in which the four most recent quarters of monitoring data are averaged. On September 7, 2021, we received notice that the sample collected on August 2, 2021 showed that our system exceeds the PFOA MCL. PFOA was found at 36.1 ppt which caused the RAA to exceed the MCL regardless of the next quarter results.”

17. Defendant’s Notice went on to explain the consequences and risks involved in exposure to PFOA in drinking water as levels higher than the allowable standard, stating in a section of the Attachment A form Notice entitled “**What does this mean?**” that:

“People who drink water containing PFOA in excess of the MCL over time could experience problems with their blood serum cholesterol levels, liver, kidney, immune system, or in males, the reproductive system. Drinking water containing PFOA in excess of the MCL over time may also increase the risk of testicular and kidney cancer. For females, drinking water containing PFOA in excess of the MCL over time may cause developmental delays in a fetus and/or an infant. Some of these developmental effects may persist through childhood.”

18. Defendant’s Notice also directed recipients of the Notice to take certain steps, in a section entitled “**What Should I do?**” See Attachment A.

“If you have specific health concerns, a severely compromised immune system, have an infant, are pregnant, or are elderly, you may be at higher risk than other individuals and should seek advice from your health care providers about drinking this water.” (Emphasis added).

19. Defendant’s Notice further directed that recipients should consider using bottled water for drinking and cooking to reduce exposure to PFOA or installation of a home water filer. See Attachment A

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20. Defendant's Notice stated that these directives was based on what the Notice described as a violation of legal water standards in the water sold and delivered by Defendant.
21. As admitted in Defendant's Attachment A form Notice, the State of New Jersey has established a legal standard for PFOA in drinking water of 14 parts per trillion (ppt.). See Attachment A.
22. Defendant's Notice admit to the Plaintiffs that the water delivered and sold by Defendant to the plaintiffs violated that standard, admitting: "**Our water system recently violated a New Jersey drinking water standard . . .**"
23. Indeed, Defendant's Notice went on to admit that Defendant's water in August and September 2021 contained more than double the amount of PFOA allowed under that standard. See Attachment A.
24. Plaintiff Anthony Franklin has been an inmate at East Jersey State Prison since March 4, 2014, and has been drinking the tap water consistently since then.
25. Plaintiff Tahref Folkes has been an inmate at East Jersey State Prison since June of 2019, and has been drinking the tap water consistently since then.
26. Plaintiffs were not made aware that their drinking water was contaminated by Perfluorooctanoic Acid until December 2021, and that was only through word of mouth.

- 27 After learning about the contaminated water through word-of-mouth, Plaintiff Anthony Franklin advised Plaintiff Tahref Folkes and they both filed inmate grievances.
- 28. Plaintiff ANTHONY FRANKLIN used the inmate grievance system available at East Jersey State Prison to try and solve the problem. On December 13, 2021, Plaintiff ANTHONY FRANKLIN presented the facts relating to this complaint. On December 13, 2021, Plaintiff ANTHONY FRANKLIN was sent a response from James Russo stating, “[t]he water has not been deemed unsafe to drink. A notice from Middlesex Water has been posted in the Law Library.” On December 15, 2021 plaintiff appealed the denial of the grievance and on December 17, 2021, plaintiff received a response from the (then) Administrator ROBERT CHETIRKIN stating, “[y]ou were provided with an appropriate response. The matter is closed.” See Reference Number EJSP21037426. See “Exhibit B”
- 29. Plaintiff TAHREF FOLKES used the inmate grievance system available at East Jersey State Prison to try and solve the problem. On December 20, 2021, Plaintiff TAHREF FOLKES presented the facts relating to this complaint. On December 28, 2021, Plaintiff TAHREF FOLKES was sent a response from CINDY SWEENEY which read, “Notice from Middlesex Water was received and posted in the Library there are no further updates.”

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On December 30, 2021 plaintiff appealed the denial of the grievance and on January 4, 2022, plaintiff Tahref Folkes was sent a response saying, “[y]ou were provided with an appropriate response. The matter is closed.” See Reference Number EJSP21038366.

30. Defendants, ROBERT CHETIRKIN, CINDY SWEENEY, AND JAMES RUSSO have long known that the water supply provided to the plaintiffs was toxic and unsafe to drink. They have never notified plaintiffs of the water test results or the related health threat. Prison guards and civilian staff know not to drink the water. They are permitted to carry bottled drinking water and bottled water are distributed to the Officers throughout the prison on the daily basis. Plaintiffs are not permitted to carry bottled drinking water and those who cannot afford to purchase bottled drinking water at commissary are forced to drink unsafe water.

**FIRST CLAIM FOR RELIEF**

**NEGLIGENCE**

31. Plaintiffs realleges and incorporate by reference paragraphs 1-30 above.
32. The contaminated drinking water violated Plaintiffs Anthony Franklin and Tahref Folkes rights and constituted cruel and unusual punishment under the Eighth Amendment to the United States Constitution.

33. At all times mentioned defendant MIDDLESEX WATER COMPANY knew that Perfluorooctanoic Acid would be used by Plaintiffs. From September 7, 2021, until the present day, the plaintiffs drank water at East Jersey State Prison containing Perfluorooctanoic Acid without receiving any notice that their water contained Perfluorooctanoic Acid.
34. At all times mentioned, defendant Middlesex Water Company knew, or by the application of reasonably developed human skill and foresight knew, that people who drink water containing Perfluorooctanoic Acid in excess of the Maximum Contaminant Levels over time could experience problems with their blood serum cholesterol levels, liver, kidney, immune system, or, in males, the reproductive system and also testicular and kidney cancer.
35. The water drank by plaintiffs Anthony Franklin and Tahref Folkes were at that time contaminated and unsafe for its intended use in that it contained Perfluorooctanoic Acid agents, and defendant Middlesex Water Company failed to give plaintiffs any notice or to warn plaintiffs of the dangerous reactions that could result from the ingestion of that chemical and failed to provide plaintiffs with bottle water to drink and/or failed to provide plaintiffs with water from an alternative safe drinking water source.
36. As a proximate result of defendant Middlesex Water Company knowledge of Perfluorooctanoic Acid in its water system, plaintiffs Anthony Franklin

and Tahref Folkes are at risk to have high levels of Perfluorooctanoic Acid in their blood as a result of their long periods of exposure to high concentration of Perfluorooctanoic Acid, and is at risk for serious physical injuries and diseases related to their consumption, ingestion, and exposure to elevated levels of Perfluorooctanoic Acid, and will be required to be take medication for and will have to employ physicians and other medical personnel, and incurred expenses, all to their general damage in the minimum sum of \$1,000,000.00.

37. As a further proximate result of defendants Middlesex Water Company Plaintiff Anthony Franklin had to purchase bottle water from the inmate Commissary at his own expense.
38. Defendant Middlesex Water Company knew that the Perfluorooctanoic Acid used in its water system were dangerous as alleged above, and defendants knew that the water could not safely be used for the purpose for which it were intended and would cause serious personal injury to users, and yet, notwithstanding this knowledge failed to take appropriate steps to prevent and reduce the PFOA into Plaintiffs drinking water. Defendants Middlesex Water Company intentionally disregarded the safety of the plaintiffs, without giving any notice to the plaintiffs of the potentially fatal defect in the water, placed and persisted in placing its contaminated water into its

water system, causing Perfluorooctanoic Acid to be ingested by the Plaintiffs.

39. At the time the contaminated water was in its system, it was the duty of the defendant Middlesex Water Company to exercise reasonable care and caution in the subsequent distribution of its water to inmates at East Jersey State Prison to ensure that the water was safe, wholesome, and otherwise fit for human consumption.

40. Notwithstanding this duty, the defendants Middlesex Water Company committed one or more of the following acts of negligence:

- a. Carelessly and negligently failed to properly maintain its water system in that during the production process, the water was allowed to become contaminated with Perfluorooctanoic Acid.
- b. Carelessly and negligently failed to routinely monitor for the presence of federal and state regulated drinking water contaminants, although it knew or should have known of the existence of the contamination.
- c. Carelessly and negligently provided for use to plaintiffs water contaminated with Perfluorooctanoic Acid.
- d. Carelessly and negligently failed to correct its water system although it knew of the existence of the contamination.
- e. Carelessly and negligently failed to warn plaintiffs of the contamination in the water as described above.

41. As a proximate result of one of more of the preceding acts of negligence on the part of the defendant Middlesex Water Company the plaintiffs Anthony

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Franklin and Tahref Folkes ingested the contaminated water and sustained emotional and personal injury. Plaintiffs will continue to be injured in their health, safety, and general welfare, including their persons, as a result of their inability to have their drinking water, and other health and environmental problems remedied.

**SECOND CLAIM FOR RELIEF**

**WILLFUL AND WANTON MISCONDUCT**

42. The plaintiffs repeat, reiterates, and realleges every allegation contained in paragraphs 1 through 41, as set forth here.
43. Notwithstanding the defendants Middlesex Water Company duty, the defendants committed one or more of the following acts of willful and wanton misconduct:
  - a. Knowingly, or with deliberate indifference to and reckless disregard for plaintiffs Anthony Franklin and Tahref Folkes, failed to properly maintain the levels of Perfluorooctanoic Acid in its water system, allowing the water to become contaminated.
  - b. Knowingly, or with deliberate indifference to and reckless disregard for plaintiffs Anthony Franklin, and Tahref Folkes, failed to monitor its water system, although it knew of the existence of the contamination.
  - c. Knowingly, or with deliberate indifference to and reckless disregard for plaintiffs its contaminated water for human consumption.
  - d. Knowingly, or with deliberate indifference to and reckless disregard for plaintiffs, failed to correct its contaminated water

system and prevent further use of its water although it knew of the existence of the contamination.

- e. Knowingly, or with deliberate indifference to and reckless disregard for plaintiffs, failed to warn them of the contamination as previously described.

44. As a proximate result of one or more of the preceding acts of willful and wanton misconduct on the part of the defendants Middlesex Water Company. The plaintiffs Anthony Franklin and Tahref Folkes ingested the contaminated water and has suffered great pain and anguish, both in mind and body, and will in the future expend and become liable for large sums of money for medical care and services endeavoring to become healed and cured of their injuries.

### **THIRD CLAIM FOR RELIEF**

#### **STRICT LIABILITY IN TORT**

45. On September 7, 2021, and for a substantial period of time prior to that date, the defendant Robert Chetirkin was charged with the custody, care, discipline, training and treatment of adult offenders committed to East Jersey State Prison.

46. On September 7, 2021, and after September 7, 2021, the water that was in defendants Middlesex Water Company, distributed to Robert Chetirkin, Cindy Sweeney, and James Russo system and used at East Jersey State

Prison by the plaintiffs Anthony Franklin and Tahref Folkes while the water was contaminated with Perfluorooctanoic Acid.

47. On and after September 7, 2021, the plaintiffs Anthony Franklin and Tahref Folkes ingested or otherwise came into contact with the contaminated water, doing so in a manner that was reasonably foreseeable and intended by the defendants at the time the water was contaminated, and not meant for human consumption to the Plaintiffs.
48. Prior to and at the time of the occurrence described above, the water system under defendants Middlesex Water Company control was defective or unreasonably dangerous for its intended use in one or more of the following respects:
  - a. The water was contaminated with PFOA.
  - b. The PFOA was detected at 36.1 ppt, which caused the RRA to exceed the MCL. Thus the water was contaminated with PFOA in excess of the MCL or was otherwise unfit for human consumption.
  - c. People who drink water containing PFOA in excess of the MCL over time could experience problems with their blood serum cholesterol levels, liver, kidney, and immune system. Drinking water containing PFOA in excess of the MCL over time may also increase the risk of testicular and kidney cancer, and
  - d. No certified water filtration system was used to reduce exposure to the levels of Perfluorooctanoic Acid in Plaintiff's drinking water and no bottle water was provided to Plaintiffs Anthony Franklin and Tahref Folkes and all other similarly situated inmates.

49. One or more of the foregoing defective or unreasonably dangerous conditions existed at the time the water left the control of the defendants and, further, the defendants Middlesex Water Company knew or reasonably should have known of the condition at that time.
50. As a proximate result of one or more of the preceding defective or unreasonably dangerous conditions that existed at the time this product left the control of the defendants, Middlesex Water Company, Robert Chetirkin, Cindy Sweeney, and James Russo the plaintiffs Anthony Franklin and Tahref Folkes ingested the contaminated water and are at risk of extreme pain, suffering, injury or even death. Plaintiffs will continue to be injured in their health, safety, and general welfare, including their persons, as a result of their inability to have their drinking water, and other health and environmental problems remedied.

#### **FOURTH CLAIM FOR RELIEF**

#### **MISREPRESENTATION**

51. Plaintiffs repeat the allegations of the above paragraphs.
52. Plaintiffs injuries, damages, and losses were directly and proximately caused by fraudulent or negligent misrepresentation by defendants Cindy Sweeney and James Russo in the following respects:

- a. Defendants Cindy Sweeney and James Russo has made false and scientifically or medically unsupportable claims of efficacy of its water, in order to induce use and reliance on such claims by the plaintiffs;
- b. Defendants Cindy Sweeney and James Russo has disregarded, disputed, and affirmatively concealed reliable information coming to their attention from medical, scientific, and regulatory sources, including sources on which defendant otherwise relies, indicating that drinking Perfluorooctanoic Acid in excess of the MCL over time could experience problems with their blood serum cholesterol levels, liver, kidney, immune system, the reproductive system in men, as well as testicular and kidney cancer.
- c. Defendants Cindy Sweeney and James Russo has failed to fulfill its responsibility to communicate truthful information to prisoners and potential users, including plaintiffs, which was available to the defendants, regarding lack of efficacy and potentially serious issues of normal use of their water. See Attachment B.

### **FIFTH CLAIM FOR RELIEF**

#### **FAILURE TO WARN**

- 53. Plaintiffs re-allege all previous paragraphs.
- 54. The water and the PFOA used in it were unreasonably and dangerously contaminated beyond the extent contemplated by ordinary inmates with ordinary knowledge regarding the water, in one or more of the following particulars:

- a. The defendants Middlesex Water Company, Robert Chetirkin, Cindy Sweeney and James Russo failed to instruct or warn the Plaintiffs that the water and the PFOA used in it, had not been

established for use by the New Jersey Department of Environmental Protection ("NJDEP");

- b. The defendants Middlesex Water Company, Robert Chetirkin, Cindy Sweeney and James Russo failed to disclose to Plaintiffs that continuous ingestion of PFOA, with or without filtration system causes serious illnesses;
- c. The defendants Middlesex Water Company, Robert Chetirkin, Cindy Sweeney and James Russo failed to include a precaution to the Plaintiffs not to drink the contaminated water;
- d. The defendants Middlesex Water Company, Robert Chetirkin, Cindy Sweeney and James Russo failed to provide bottle water or water from an alternate non-contaminated water source to Plaintiffs; and
- e. The defendants Middlesex Water Company, Robert Chetirkin, Cindy Sweeney and James Russo failed to disclose that when used as designed, the water could, over time, dangerously increase the risk of testicular and kidney cancer.

55. The water defects alleged above were substantial contributing causes of the injuries suffered by plaintiffs. Specifically, the water caused Perfluorooctanoic Acid to enter into Plaintiff's blood serum, resulting in high cholesterol and high blood pressure levels. In addition, plaintiffs Anthony Franklin and Tahref Folkes have suffered mental distress and anguish due to the use of the contaminated water.

#### **SIX CLAIM FOR RELIEF**

#### **VIOLATION OF THE SAFE DRINKING WATER ACT**

56. Plaintiffs realleges and incorporate by reference paragraphs 1-55 above.

57. Defendants Middlesex Water Company has violated N.J.S.A. 58:12A-6, and N.J.S.A. 58:12A-8, of New Jersey Safe Drinking Water Act by improperly allowing its water supply to become contaminated with Perfluorooctanoic Acid and by failing to provide written notice of the contaminated water to the plaintiffs.
58. Defendants Middlesex Water Company has also violated the Safe Drinking Water Act by failing to conduct periodic testing for hazardous contaminants pursuant to N.J.S.A. 58:12A-12 and by failing to provide to its customers with an annual report that details, among other things, the presence of contaminants in the water system pursuant to N.J.S.A. 58:12A-12.2 and the Administrative Procedure Act N.J.A.C. 52:14B-1 et seq.
59. Defendants Robert Chetirkin, Cindy Sweeney, and James Russo has also violated the Safe Drinking Water Act by failing to provide Plaintiffs Anthony Franklin, and Tahref Folkes with notice of the contaminations in its water system pursuant to N.J.S.A. 58:12A-6, and N.J.S.A. 58:12A-8.

#### **PUNITIVE DAMAGES**

60. Plaintiffs re-allege all previous paragraphs.
61. Defendants Middlesex Water Company, Robert Chetirkin, James Russo and Cindy Sweeney actions, described above, were performed with wanton disregard for the health and safety of plaintiffs. Defendants' actions, as

described above, were performed with deliberate indifference for the rights of plaintiffs, who used defendants' water. Defendants Middlesex Water Company, Robert Chetirkin, James Russo and Cindy Sweeney failure to routinely monitor its drinking water for the presence of federal and state regulated drinking water contaminants and notify plaintiffs Anthony Franklin and Tahref Folkes about the harms of its drinking water supply will result in an excess of unnecessary injuries, including injury to plaintiffs Anthony Franklin and Tahref Folkes.

62. The water in question was contaminated when placed in the system since it was unreasonably dangerous and defective for its intended use, which constitutes, but is not limited to, the following factors:
  - a. Negligence;
  - b. Willful and Wanton misconduct;
  - c. Absence of adequate Notice;
  - d. Failure to Warn; and
  - e. Misrepresentation of the facts.

**JURY DEMAND**

63. Plaintiffs demand trial by jury on all issues triable by jury.

**PRAYER FOR RELIEF**

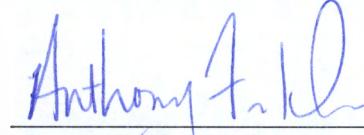
WHEREFORE, the plaintiffs Anthony Franklin and Tahref Folkes, respectfully prays that this court enter judgment granting plaintiffs:

64. A declaration that the acts and omissions described herein violated Plaintiffs rights under the Constitution and laws of the United States.
65. A preliminary and permanent injunction restraining Defendants, their agents, servants, employees, and all persons acting in concern with them, from providing unsafe drinking water to the plaintiffs. Plaintiffs further seek an injunction to have the Defendants provide Plaintiffs with free bottle water and hot & cold potable water for drinking, cooking, hygiene, cleaning, and other uses.
66. Compensatory damages in the amount of \$100,000.00 against each defendant, jointly and severally.
67. Punitive damages in the amount of 1,000,000.00 against MIDDLESEX WATER COMPANY.
68. A jury trial on all issues triable by jury.
69. Plaintiffs costs in this suit; and
70. Any additional relief this Court deems just, proper, and equitable.

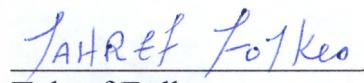
**JURY DEMAND**

Plaintiffs demand trial by jury.

Respectfully submitted,

  
Anthony Franklin  
#455144-550663B  
East Jersey State Prison  
1100 Woodbridge Road  
Rahway, New Jersey 07065

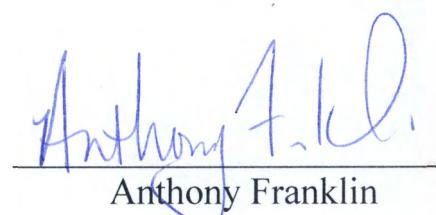
Respectfully submitted,

  
Tahref Folkes  
#1153699-497114D  
South Woods State Prison  
215 Burlington Road - South  
Bridgeton, New Jersey 08302

**VERIFICATION**

I have read the foregoing complaint and hereby verify that the matter alleged on information and belief, and as to those, I believe them to be true. I certify under penalty of perjury that the foregoing is true and correct.

Executed at Rahway, New Jersey on November 21, 2022.

  
Anthony Franklin

Honorable John Michael Vazquez, U.S.D.J.

# EXHIBIT “A”

## IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

### Middlesex Water Company Has Levels of Perfluorooctanoic Acid (PFOA) Above Drinking Water Standards and Failed to Meet All Public Notification Requirements

Our water system recently violated a New Jersey drinking water standard, and as our customers, you have a right to know what happened, what you should do, and what we are doing to correct this situation. A drinking water standard for Perfluorooctanoic acid (PFOA) was exceeded.

Additionally, Middlesex Water Company failed to provide the initial public notification in all required language(s) regarding the importance of the notice or contain where persons served may contact the water system to obtain a translated copy of the notice or to request assistance in the appropriate language.

Contact us at 800-549-3802 or [info@middlesexwater.com](mailto:info@middlesexwater.com) to obtain a translated copy of the public notification materials or to request assistance.

We routinely monitor for the presence of federal and state regulated drinking water contaminants. New Jersey adopted a standard, or maximum contaminant level (MCL), for PFOA in 2020 and required monitoring began in 2021. The MCL for PFOA is 14 parts per trillion (ppt) and is based on a running annual average (RAA), in which the four most recent quarters of monitoring data are averaged. On September 7, 2021, we received notice that the sample collected on August 2, 2021, showed that our system exceeds the PFOA MCL. PFOA was detected at 36.1 ppt, which caused the RAA to exceed the MCL regardless of the following quarterly results.

#### What is PFOA?

Perfluorooctanoic acid (PFOA) is a member of the group of chemicals called per- and polyfluoroalkyl substances (PFAS), used as a processing aid in the manufacture of fluoropolymers used in non-stick cookware and other products, as well as other commercial and industrial uses, based on its resistance to harsh chemicals and high temperatures. PFOA has also been used in aqueous film-forming foams for firefighting and training, and it is found in consumer products such as stain-resistant coatings for upholstery and carpets, water-resistant outdoor clothing, and greaseproof food packaging. Major sources of PFOA in drinking water include discharge from industrial facilities where it was made or used and the release of aqueous film-forming foam. Although the use of PFOA has decreased substantially, contamination is expected to continue indefinitely because it is extremely persistent in the environment and is soluble and mobile in water.

#### What does this mean?

*\*People who drink water containing PFOA in excess of the MCL over time could experience problems with their blood serum cholesterol levels, liver, kidney, immune system, or, in males, the reproductive system. Drinking water containing PFOA in excess of the MCL over time may also increase the risk of testicular and kidney cancer. For females, drinking water containing PFOA in excess of the MCL over time may cause developmental delays in a fetus and/or an infant. Some of these developmental effects may persist through childhood.*

\* For specific health information, see

[https://www.ni.gov/health/ceohs/documents/pfas\\_drinking%20water.pdf](https://www.ni.gov/health/ceohs/documents/pfas_drinking%20water.pdf).

#### What should I do?

- If you have specific health concerns, a severely compromised immune system, have an infant, are pregnant, or are elderly, you may be at higher risk than other individuals and should seek advice from your health care providers about drinking this water.
- The New Jersey Department of Health advises that infant formula and other beverages for infants, such as juice, should be prepared with bottled water when PFOA is elevated in drinking water.

- Pregnant, nursing, and women considering having children may choose to use bottled water for drinking and cooking to reduce exposure to PFOA.
- Other people may also choose to use bottled water for drinking and cooking to reduce exposure to PFOA or a home water filter that is certified to reduce levels of PFOA. Home water treatment devices are available that can reduce levels of PFOA. For more specific information regarding the effectiveness of home water filters for reducing PFOA, visit the National Sanitation Foundation (NSF) International website, <http://www.nsf.org/>.
- Boiling your water will not remove PFOA.

For more information, see <https://www.nj.gov/dep/watersupply/pfas/>

### What is being done?

Middlesex Water Company has been monitoring the levels of PFAS compounds for a number of years. We have been reporting on PFOA detection in our Annual Consumer Confidence Report sent to you since 2008. In anticipation of New Jersey regulatory standards being enacted, we began evaluating treatment options in 2019. Design of a new treatment plant which, will remove additional compounds, including PFOA, was completed and is under construction. The new treatment plant is expected to be in service in mid-2023. Middlesex Water Company (MWC) provided initial notification to customers that were originally identified as being likely served drinking water from the treatment plant that exceeded the PFOA MCL. Based on continuous analysis and updates to the inputs and assumptions of hydraulic models, we have concluded that additional areas receive or may receive some portion of the water supply exceeding the PFOA MCL. Our distribution system is an integrated network where different source waters move in different areas of the distribution network throughout any day, depending on overall customer demands and uses. This comprehensive expansion of the notification area assures that all customers who are or may be served with any amount of this supply, at any time, are receiving a public notice.

With regard to the failure to meet all Public Notification (PN) requirements, Middlesex Water Company will ensure all templates include information in the required languages, we will update our applicable operating procedures and periodically evaluate our communication protocols for compliance in order to stay current with the Public Notification requirements.

The initial list of impacted communities included all MWC customers in South Plainfield and Clark, a portion of MWC customers in Edison, Metuchen, and Woodbridge, and all of Rahway, a MWC wholesale contract customer. The revised public notification now includes all MWC customers in South Plainfield, Clark, Edison, Metuchen, Woodbridge and Carteret which had previously not initially been included. In addition, we are providing additional information in prominent languages spoken within our service area. For more information, please contact our Customer Service Department at 800-549-3802.

*\*Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.\**

This notice is being sent to you by Middlesex Water Company. State Water System ID#1225001

Date distributed: November 8, 2021 (expanded notification)

Date initial PN distributed: October 22, 2021 (initial notification)

Honorable John Michael Vazquez, U.S.D.J.

# EXHIBIT “B”

|                   |                                     |                         |
|-------------------|-------------------------------------|-------------------------|
| Ref# EJSP21037426 | Housing:EJSP-1 RIGHT-2 TIER-BED 117 | Date Created:12/13/2021 |
| ID#:000550663B    | Name:FRANKLIN,ANTHONY               |                         |
| Form:Grievance    | Subject:Administration              | Description:Other       |
| Urgent:Yes        | Time left:n/a                       | Status:Closed           |

Original Form

12/13/2021 12:26:47 PM : ( 000550663b ) wrote

I recently received an article from the newspaper stating that the water in Middlesex County, including "all of Rahway" is contaminated with Perfluorooctanic Acid (PFOA). Is this true? If so, then how come no-one is advising the inmate population that the water is unsafe and not to drink the water here at East Jersey State Prison? And why isn't the inmate population being provided with bottle 'free of charge' to drink as a precaution?

Communications / Case Actions

12/13/2021 12:26:47 PM : ( 000550663b ) wrote

Form has been submitted

12/13/2021 3:15:28 PM : ( James Russo ) wrote

The water has not been deemed unsafe to drink. A notice from Middlesex Water has been posted in the Law Library.

12/13/2021 3:15:33 PM : ( James Russo ) wrote

Closed incarcerated individual form

12/15/2021 6:59:19 PM : ( 000550663b ) wrote

CaseAppealed.

12/15/2021 6:59:19 PM : ( 000550663b ) wrote

Dear Mr. Russo:

According to the notice posted in the Law Library from Middlesex Water company, the water is unsafe for human consumption. Therefore, again I request that myself as well as the prison population be provided with bottle water (free of charge) to drink. In addition, the notice posted in the prison Law Library does not constitute adequate notice for the entire prison population, as only a selected few prisoner's visits the prison Law Library. Therefore, I also request that you post the notice from the Middlesex Water Company on the Prison Communication Network (PCN) for the entire prison population to view. Thank you in advance for your time and attention in this matter.

12/17/2021 11:42:37 AM : ( Robert Chetirkin ) wrote

You were provided with an appropriate response. The matter is closed.

12/17/2021 11:42:44 AM : ( Robert Chetirkin ) wrote

Closed appealed incarcerated individual form

Honorable John Michael Vazquez, U.S.D.J.

# EXHIBIT “C”

|                   |                                     |                         |
|-------------------|-------------------------------------|-------------------------|
| Ref# EJSP21038896 | Housing:EJSP-1 RIGHT-2 TIER-BED 117 | Date Created:12/24/2021 |
| ID#: 000550663B   | Name:FRANKLIN,ANTHONY               |                         |
| Form:Grievance    | Subject:Administration              | Description:Other       |
| Urgent:Yes        | Time left:n/a                       | Status:Closed ,         |

Original Form

12/24/2021 6:06:38 PM : ( 000550663b ) wrote

The water was turned off today from 4:00 a.m. until about 4:00 p.m. without any explanation or reason(s) why myself as well as the prison population was unable to use the water to shower, flush the toilet, drink and etc. There is a recurring issue with the water here at East Jersey State Prison and I would like to know why aren't any notices being posted to inform the inmate population as to if the water here safe to use for its intended purposes? Because I am deeply concern for health reasons. Thank you in advance for you time and attention in this matter.

Communications / Case Actions

12/24/2021 6:06:38 PM : ( 000550663b ) wrote

Form has been submitted

12/29/2021 9:00:55 AM : ( Cindy Sweeney ) wrote

There was a water main break that needed immediate action. This was not a scheduled maintenance issue. Water was restored relatively quickly given the situation.

12/29/2021 9:01:00 AM : ( Cindy Sweeney ) wrote

Closed incarcerated individual form

1/1/2022 6:28:16 PM : ( 000550663b ) wrote

CaseAppealed.

1/1/2022 6:28:16 PM : ( 000550663b ) wrote

In the future, can you kindly make sure that the inmate population is notified via the Prison Communication Network (PCN) and/or memo that there is a issue with the water. Whether water main break or other contaminations in the water.

1/4/2022 4:09:29 PM : ( Robert Chetirkin ) wrote

You were provided with an appropriate response. The matter is closed.

1/4/2022 4:09:35 PM : ( Robert Chetirkin ) wrote

Closed appealed incarcerated individual form

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2010 2970 0001 1492 1520

AT&T MAIL  
NOV 28 2022  
RECEIVED  
U.S. DISTRICT COURT  
NEW JERSEY  
CLERK'S OFFICE

Anthony Franklin  
#455144-550663B  
East Jersey State Prison  
Rock Bag K  
Rahway, NJ 07065

XRAYED

IN POSTAGE \$0.60  
001147001

William T. Walsh, Clerk  
United States District Court  
Martin Luther King, Jr.  
Federal Bldg. & U.S. Courthouse  
50 Walnut Street  
Newark, NJ 07102

Legal Mail